

## **MINUTES**

### **MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON HIGHWAYS AND TRANSPORTATION**

**Call to Order:** By **CHAIRMAN ARNIE MOHL**, on January 9, 2001 at  
3:00 P.M., in Room 317-A Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Arnie Mohl, Chairman (R)  
Sen. Ric Holden, Vice Chairman (R)  
Sen. Vicki Cocchiarella (D)  
Sen. Bob DePratu (R)  
Sen. Dan Harrington (D)  
Sen. Sam Kitzenberg (R)  
Sen. Jerry O'Neil (R)  
Sen. Gerald Pease (D)  
Sen. Glenn Roush (D)

**Members Excused:** Sen. Dale Berry (R)

**Members Absent:** None.

**Staff Present:** Connie Erickson, Legislative Branch  
Marion Mood, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 16, 1/6/2001; SB 53,  
1/6/2001  
Executive Action: SB 16

#### **HEARING ON SB 16**

**Sponsor:** SEN. MIKE HALLIGAN, SD 34, MISSOULA

**Proponents:** NONE

**Opponents:** NONE

**Opening Statement by Sponsor:**

**SEN. MIKE HALLIGAN, SD 34, MISSOULA**, introduced SB 16. Its  
purpose was to avoid a backlog of outstanding warrants by  
ensuring that the traffic violator would appear in court to pay

his fine, thereby reclaiming his driver's license. He allowed as to having introduced a similar bill in 1995 which became law and, in effect, made his current bill proposal moot.

**{Tape : 1; Side : A; Approx. Time Counter : 4.2}**

**Informational Testimony:**

**Brenda Nordlund, Department of Justice**, assigned to the DMV, brought the committee's attention to 61-5, 14-217, the statutes that were amended in 1995; this is the bill **SEN. HALLIGAN** referred to and which he carried in 1995, SB 13. She remarked that this legislation appears to be working as intended.

**Questions from Committee Members and Responses:**

**SEN. JERRY O'NEIL** asked whether it is permissible for anyone other than the court to summon a person to court. **SEN. HALLIGAN** explained that it was a judicial power; for instance, when a Highway Patrol Officer issues a ticket, that in fact is a summons to appear in court.

**Closing by Sponsor:**

**SEN. HALLIGAN** closed on SB 16.

**EXECUTIVE ACTION ON SB 16**

**Motion/Vote:** **SEN. DEPRATU** moved that **SB 16 BE TABLED**. Motion carried unanimously, 9 - 0.

**HEARING ON SB 53**

**Sponsor:** **SEN. GLENN ROUSH, SD 43, CUT BANK**

**Proponents:** **C. Hal Manson, American Legion**  
**Col. Welling, representing Maj. Gen. Prendergast**  
**Dan Antonietti, Legislative Chairman, VFW**

**Opponents:** **None**

**Opening Statement by Sponsor:**

**SEN. GLENN RUSH, SD 43. CUT BANK**, explained that this bill was requested by the State Administration's Public Retirement System and Veteran's Affairs, and the Subcommittee of Military Affairs, and it pertains to disabled veterans' license plates. It requests an addition to and amends the present law to include

either a motor home or a truck towing a travel trailer that a 100% disabled veteran may license for a flat fee of \$5.00, waiving all other taxes. The bill is limited to non-commercial use of the vehicle and extends to trucks with a GVW-rated capacity of 1 ton or less. On page 8 of SB 53, Section 4, it is stated that the same fee applies to personalized license plates. There is a fiscal impact of \$3,600, calculated on the number of disabled plates applied for in the last couple of years. The Department of Justice estimates that the number is close to 1,000 plates.

**{Tape : 1; Side : A; Approx. Time Counter : 12.2}**

**Proponents' Testimony:**

**C. Hal Manson, American Legion of Montana**, stated that his organization is in favor of this bill since a 100% disabled veteran is entitled to just one license plate at a reduced fee, and that he should be able to use this on a recreational vehicle. The current law is rather restrictive, and he believes this bill would be a welcome relief for a veteran.

**Col. Welling, Asst. Chief of Staff, Montana National Guard**, was asked by Maj. Gen. Prendergast to represent him and his views on SB 53. The Department of Military Affairs and the general support this bill to make a motor home or truck used to tow a travel trailer the one vehicle that a 100% disabled veteran may register for a fee of \$5.00. He asked that whatever the committee decides regarding this bill, that they continue to treat Montana's veterans with dignity and respect as they have in the past. **Col. Welling** also stated that he recognizes that a disabled veteran has a shorter life expectancy than most of us, that they have already paid a high price for protecting us and that we, for that reason, should do our best to enable them to enjoy life's flavor in whatever time they have left.

**Dan Antonietti, Legislative Chairman, VFW**, requests that relief is given to the disabled veteran by passage of this bill.

**Informational Testimony:**

**Brenda Nordlund, Department of Justice**, stated that this bill illustrates how we create a law, and over time, realize that it needs to be altered to accommodate changes. At the time the law was created, no need was perceived to differentiate between passenger cars, light trucks, and motor homes or recreational vehicles owned by disabled veterans; for this reason, she entirely supports this bill. She also suggested that the committee amend the bill to simply refer to a motor vehicle rather than going through a whole list of designations; a motor

vehicle as defined in 61-1-102, and not used for commercial purposes. She felt this would be more than adequate to deal with the constellation of vehicles in this bill. In addressing the fiscal note, she states that it is not based on estimation of revenue that would be lost from registration. It solely refers to the programming cost that relates to the fact that disabled veterans' plates now are not on the same stagger; they are on a twelve month cycle which goes from January 1 through December 31. If motor homes are incorporated, since they have a different stagger cycle under the law, that would constitute the \$3,600 programming cost under this bill. She urged passage of SB 53.

**Questions from Committee Members and Responses:**

**SEN. O'NEIL** inquired whether this waives the taxes or license fee. **SEN. ROUSH** answered that it in fact does waive the taxes and just requires the \$5.00 registration fee. **SEN. O'NEIL** allowed as to how this can result in a significant savings to the disabled veteran. **SEN. ROUSH** agreed with that assessment.

**SEN. VICKI COCCHIARELLA** inquired whether this retooling will cost each county the amount of \$3,600. **SEN. ROUSH** deferred this question to **Brenda Nordlund** who explained that the \$3,600 was for the centralized computer system run by the Department of Justice which handles motor vehicle registration, and that all counties are hooked into this system, meaning that only the DOJ incurs this expense.

**SEN. COCCHIARELLA** clarified her question, referring to point (2) of the last paragraph of the fiscal note. Her concern was with the expense to counties when even a minor change in the law is made at the state level. **Brenda Nordlund** stated that she was unable to answer that question.

**CHAIRMAN ARNIE MOHL** suggested we get an updated fiscal note to see what the real cost was to the counties.

**SEN. DEPRATU** stated that the fiscal note refers to "revised fees" but that there really were no revised fees, and he questioned that there will be a change. According to **SEN. DEPRATU**, the change will come from additional vehicles coming under this law.

**CHAIRMAN MOHL** announced executive action on this bill for January 11, 2001.

**Closing by Sponsor:**

**SEN. ROUSH** closed on SB 53.

**ADJOURNMENT**

Adjournment: 3:25 P.M.

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SEN. ARNIE MOHL, Chairman

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MARION MOOD, Secretary

AM/MM

**EXHIBIT** (his06aad)